

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ESAW LAMPKIN,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:23-cv-108-JDK-JDL
	§	
CHIEF P.D. OFFICER JASON PERRINI,	§	
et al.	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Esaw Lampkin, proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 while he was an inmate in the Henderson County Jail. After the Court observed that Plaintiff is barred pursuant to 42 U.S.C. § 1915(g) from proceeding *in forma pauperis* (see Docket No. 8), Plaintiff paid the full filing fee. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.


On October 17, 2023, the Magistrate Judge issued a Report recommending that the case be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b) on the basis that it is barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), and thus fails to state a claim for which relief can be granted. Docket No. 35. A copy of this Report was sent to Plaintiff at his last known address, but it was returned stamped “UNCLAIMED/UNABLE TO FORWARD.” Docket No. 36. Plaintiff has not filed written objections or notified the Court of any change of address.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 35) as the findings of this Court. This case is **DISMISSED** without prejudice to Plaintiff's ability to refile his claims if and when he succeeds in overturning his criminal conviction through state remedies or federal habeas proceedings. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **29th** day of **November, 2023**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE